

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN

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MIKAYLA MARIE LERETTE,

Plaintiff,

Case No: 25-CV-183

v.

THE CITY OF SUPERIOR, WISCONSIN,  
THOMAS CHAMPAIGNE, JOHN KIEL,  
JEFFREY HARRIMAN, AND MICHELLE POPE,

Defendants.

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**DEFENDANTS ANSWER AND AFFIRMATIVE DEFENSES  
TO FIRST AMENDED COMPLAINT**

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Defendants, The City of Superior, Thomas Champaigne, John Kiel, Jeffrey Harriman, and Michelle Pope (collectively “Defendants”), by their attorneys, Crivello, Nichols & Hall, S.C., answer Plaintiff’s First Amended Complaint filed July 29, 2025 (ECF No. 13), as follows:

**I. NATURE OF ACTION**

101. Answering paragraph 101, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer, deny the allegations are complete or accurate, and therefore deny, putting plaintiff to her proof thereon.

**II. JURISDICTION AND VENUE**

201. Answering paragraph 201, admit the jurisdiction of this Court is proper, but deny there was any violation of the plaintiff’s Constitutional Rights or violations of the law.

202. Answering paragraph 202, admit the venue of this Court is proper, but deny there was any violation of the plaintiff’s Constitutional Rights or violations of the law.

### **III. PARTIES**

#### **A. Plaintiff**

301. Answering paragraph 301, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

#### **B. Defendants**

301. Answering paragraph 301, admit the City of Superior is a municipality under Wisconsin law and employed the named defendants as law enforcement officers. As further answer to the remaining allegations, deny any wrongdoing or liability on behalf of these answering defendants, and put plaintiff to her proof thereon.

301. Answering paragraph 301, admit that Thomas Champaigne was a former police captain for the City of Superior Police Department and acted within the scope of his employment consistent with the United States Constitution and law.

302. Answering paragraph 302, admit that John Kiel is the Assistant Chief of Police for the City of Superior Police Department and acted within the scope of his employment consistent with the United States Constitution and law.

303. Answering paragraph 303, admit that Jeffrey Harriman is police captain for the City of Superior Police Department and acted within the scope of his employment consistent with the United States Constitution and law.

304. Answering paragraph 304, admit that Michelle Pope was a police lieutenant for the City of Superior Police Department and acted within the scope of her employment consistent with the United States Constitution and law.

### **IV. ALLEGATIONS OF FACT AS TO ALL CAUSES OF ACTION**

4001. Answering paragraph 4001, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4002. Answering paragraph 4002, admit that Plaintiff had been serving as a narcotics investigator. As further answer to the remaining allegations, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4003. Answering paragraph 4003, admit that Paul Winterscheidt is the former Captain of Patrol and the current Chief of Police. As further answer to the remaining allegations, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4004. Answering paragraph 4004, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4005. Answering paragraph 4005, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4006. Answering paragraph 4006, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4007. Answering paragraph 4007, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4008. Answering paragraph 4008, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4009. Answering paragraph 4009, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4010. Answering paragraph 4010, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4011. Answering paragraph 4011, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4012. Answering paragraph 4012, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4013. Answering paragraph 4013, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4014. Answering paragraph 4014, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4015. Answering paragraph 4015, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4016. Answering paragraph 4016, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4017. Answering paragraph 4017, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4018. Answering paragraph 4018, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4019. Answering paragraph 4019, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4020. Answering paragraph 4020, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4021. Answering paragraph 4021, deny.

4022. Answering paragraph 4022, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4023. Answering paragraph 4023, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4024. Answering paragraph 4024, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4025. Answering paragraph 4025, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4026. Answering paragraph 4026, deny.

4027. Answering paragraph 4027, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4028. Answering paragraph 4028, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4029. Answering paragraph 4029, deny.

4030. Answering paragraph 4030, deny.

4031. Answering paragraph 4031, deny.

4032. Answering paragraph 4032, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4033. Answering paragraph 4033, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4034. Answering paragraph 4034, deny.

4035. Answering paragraph 4035, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4036. Answering paragraph 4036, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4037. Answering paragraph 4037, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4038. Answering paragraph 4038, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4039. Answering paragraph 4039, deny.

4040. Answering paragraph 4040, admit Plaintiff LeRette was at fault in failing to forward schedule changes or time off requests to her superiors, as further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4041. Answering paragraph 4041, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4042. Answering paragraph 4024, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4043. Answering paragraph 4043, lack information sufficient to form a belief, and therefore deny, plaintiff to her proof thereon.

4044. Answering paragraph 4044, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4045. Answering paragraph 4045, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4046. Answering paragraph 4046, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4047. Answering paragraph 4047, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4048. Answering paragraph 4048, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4049. Answering paragraph 4049, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4050. Answering paragraph 4050, deny.

4051. Answering paragraph 4051, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4052. Answering paragraph 4052, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4053. Answering paragraph 4053, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4054. Answering paragraph 4054, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4055. Answering paragraph 4055, admit that the Plaintiff was employed by the City of Superior Police Department. As further answer to the remaining allegations, lack



knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4056. Answering paragraph 4056, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4057. Answering paragraph 4057, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4058. Answering paragraph 4058, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4059. Answering paragraph 4059, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4060. Answering paragraph 4060, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4061. Answering paragraph 4061, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4062. Answering paragraph 4062, admit that Captain Thomas Champaigne was succeeded by Jeffrey Harriman.

4063. Answering paragraph 4063, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4064. Answering paragraph 4064, deny that the practice was unlawful. As to remainder of allegations, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4065. Answering paragraph 4065, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4066. Answering paragraph 4066, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4067. Answering paragraph 4067, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4068. Answering paragraph 4068, deny.

4069. Answering paragraph 4069, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4070. Answering paragraph 4070, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4071. Answering paragraph 4071, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4072. Answering paragraph 4072, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4073. Answering paragraph 4073, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4074. Answering paragraph 4074, admit Plaintiff LeRette had not properly requested time off for May 29 and 31 and June 4, as for remainder of allegations lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4075. Answering paragraph 4075, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4076. Answering paragraph 4076, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4077. Answering paragraph 4077, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4078. Answering paragraph 4078, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4079. Answering paragraph 4079, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4080. Answering paragraph 4080, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4081. Answering paragraph 4081, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4082. Answering paragraph 4082, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4083. Answering paragraph 4083, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4084. Answering paragraph 4084, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4085. Answering paragraph 4085, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4086. Answering paragraph 4086, deny.

4087. Answering paragraph 4087, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4088. Answering paragraph 4088, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4089. Answering paragraph 4089, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4090. Answering paragraph 4090, deny.

4091. Answering paragraph 4091, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4092. Answering paragraph 4092, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the

remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4093. Answering paragraph 4093, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4094. Answering paragraph 4094, deny.

4095. Answering paragraph 4095, deny.

4096. Answering paragraph 4096, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4097. Answering paragraph 4097, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4098. Answering paragraph 4098, deny.

4099. Answering paragraph 4099, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

4100. Answering paragraph 4100, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4101. Answering paragraph 4101, deny.

4102. Answering paragraph 4102, deny.

4103. Answering paragraph 4103, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

4104. Answering paragraph 4104, deny.

4105. Answering paragraph 4105, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

4106. Answering paragraph 4106, deny.

4107. Answering paragraph 4107, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon.

## **V. BASIS OF LIABILITY**

### **A. Fair Labor Standards Act**

#### **1. Lactation Violation**

501. Answering paragraph 501, deny.

### **B. The Fourth Amendment**

#### **1. Individual Defendant**

502. Answer paragraph 502, deny.

### **C. The Equal Protection Clause**

503. Answer paragraph 503, deny.

### **D. Sec. 895.46, Wis. Stats.**

504. Answer paragraph 504, deny.

## **VI. Damages.**

### **E. Compensatory Damages**

601. Answering paragraph 601, deny any wrongdoing or liability on behalf of the answering defendants and deny that plaintiff is entitled to any of the relief requested and put plaintiff to her proof thereon.

**F. Punitive Damages**

602. Answering paragraph 602, deny any wrongdoing or liability on behalf of the answering defendants and deny that plaintiff is entitled to any of the relief requested and put plaintiff to her proof thereon.

**VII. Conditions Precedent.**

701. Answering paragraph 701, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

**AFFIRMATIVE DEFENSES**

The Defendants, by their attorneys, Crivello, Nichols, & Hall S.C., submit the following affirmative defenses to the plaintiff's First Amended Complaint:

- a. All or a portion of plaintiff's First Amended Complaint fails to state a claim upon which relief can be granted;
- b. These answering Defendants are immune from suit under common law and statutory immunities and privileges, including qualified immunity and discretionary immunity;
- c. To the extent that Defendants are named in their individual capacity, all or portions of the First Amended Complaint must be dismissed due to the lack of the Defendants' personal involvement;
- d. Plaintiff may lack standing to raise the claims asserted in the First Amended Complaint;
- e. All or portions of this First Amended Complaint must be dismissed for failure to exhaust administrative remedies;
- f. The injuries and damages sustained by the plaintiff, if any, were caused in whole



or in part by the acts or omissions of the plaintiff and her failure to mitigate;

- g. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by the acts or omissions of persons other than these answering defendants;
- h. At all times relevant to matters alleged in plaintiff's First Amended Complaint, the defendants acted in good faith and in accordance with established laws and administrative rules;
- i. Plaintiff has failed to provide timely or sufficient notice of claim as required under Wis. Stat. 893.80;
- j. Plaintiff's claims are subject to the limitations, pre-requisites, and immunities contained within Wis. Stat. § 893.80;
- k. Insufficient service of process;
- l. Lack of person jurisdiction; and
- m. These answering defendants reserve the right to amend this Answer to assert additional defenses as discovery proceeds.

WHEREFORE, Defendants respectfully request judgment as follows:

- a. for a dismissal of the First Amended Complaint upon its merits;
- b. for the costs and disbursements of this action;
- c. for reasonable actual attorneys' fees pursuant to 42 U.S.C. § 1988;
- d. for such other relief as this Court deems just and equitable.

**DEFENDANTS RESPECTFULLY REQUEST A JURY TRIAL**

Dated this 12<sup>th</sup> day of August, 2025.

CRIVELLO, NICHOLS & HALL, S.C.  
Attorneys for Defendants

By: /s/ Kiley B. Zellner

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